



MCCULLOCH, FELGER, FITE & GUTMANN CO., L.P.A.

ATTORNEYS AT LAW

FIFTH THIRD BANK BUILDING

P.O. BOX 910

PIQUA, OHIO 45356-0910

(937) 773-3212

TELECOPIER NOS. (937) 773-9672
(937) 773-4022

US EPA RECORDS CENTER REGION 5



460662

WILLIAM B. McNEIL*

DALE G. DAVIS

MICHAEL E. GUTMANN

FRANK J. PATRIZIO

NATHANIEL J. FUNDERBURG

MEAGAN N. FITZGERALD

*OSBA BOARD CERTIFIED SPECIALIST
IN ESTATE PLANNING, TRUST AND PROBATE LAW

PAUL P. GUTMANN*
JACK L. NEUENSCHWANDER*

WILLIAM M. McCULLOCH

(1901-1980)

CARL B. FELGER

(1900-1984)

ROBERT P. FITE

(1920-2000)

*RETIRED FROM THE FIRM

June 18, 2013

Fouade Dababneh, Enforcement Specialist
U.S. Environmental Protection Agency, Region 5
Superfund Division, Enforcement and Compliance Assurance Branch
77 West Jackson Blvd. (SE-5J)
Chicago, Illinois 60604-3590

RECEIVED JUN 20 2013 *fd*

Re: Response to Request for Information
Pursuant to Section 104(e) of CERCLA
West Troy Contaminate Aquifer Site, Troy, Ohio
I.D. No. OHN000508132

Dear Mr. Debabneh:

On behalf of Lock and Key Mini-Storage I enclose the response to the request for information mailed to Lock and Key Mini-Storage located at 94 Foss Way in Troy, Ohio 45373. Attached to the response is a copy of the deed, tax map, diagram and aerial photograph.

Please let me know if I can provide any additional information.

Very truly yours,

MCCULLOCH, FELGER, FITE &
GUTMANN CO., L.P.A.

Michael E. Gutmann
Michael E. Gutmann

MEG/ksj
Enclosures

RESPONSE TO REQUEST FOR INFORMATION

Requested by: The United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Respondent: Lock and Key Mini-Storage
94 Foss Way
Troy, OH 45373

This summary is in response to the request for information pursuant to Section 104(e) of CERCLA; West Troy Contaminated Aquifer Site, Troy, Ohio; CERCLIS ID No: OHN000508132

Information contained in this response is provided by:

Danny D. Lavy, owner of Lock and Key Mini Storage;
Business address: 94 Foss Way, Troy, Ohio 45373;
Residing at 315 N. Sunset Drive, Piqua, Ohio 45356.

Lock and Key Mini Storage is a business operated at 94 Foss Way, Troy, Ohio and consists of approx. 130 conventional storage units. Dates of operation: 1977 – present. Lock and Key Mini Storage operates under the corporate name D. J. Lavy Masonry Co., an Ohio corporation. (See copy of incorporation papers for D.J. Lavy Masonry Co.)

Details for D. J. Lavy Masonry, Co.:

Name: D. J. Lavy Masonry, Co.
Ohio corporation for profit
Charter Number 367348
Filed January 1, 1968
Current status: active
Incorporated by D. J. Lavy (deceased 2000); Lois J. Lavy (deceased 1997);
and Danny D. Lavy (living)
Shareholders: Danny D. Lavy (300 shares); Darlene Lavy (his wife) (200 shares)
Directors: Danny D. Lavy and Darlene Lavy
Officers: President – Danny D. Lavy; Vice President – Darlene Lavy;
Secretary-Treasurer – Danny D. Lavy

On September 18, 1996, an Ohio corporation, Tri-Shaffe, Inc., owned at that time by Danny D. Lavy, merged into and with D. J. Lavy Masonry Co. (See copy of Ohio Sec. of State Certificate, Certificate of Merger; and Certificate identifying the organization merged out of existence.)

Details for **Tri-Shaffe, Inc.:**

Name: Tri-Shaffe, Inc.
Ohio corporation for profit
Charter Number 361074
Filed May 16, 1967
Current Status: Dead/Merged out of existence
Original Incorporators: Richard A. Shaffer, John D. Starn, Kenneth W. Shaffer.
Danny D. Lavy has no knowledge of the location or address of any of the above named incorporators.

Tri-Shaffe, Inc. operated a small fuel (gas) station and commercial car wash under the name of Town and Country Car Wash at the location at 94 Foss Way, Troy, Ohio. Dates of operation: 1980s - 1995.

1. State the dates during which you or your company have owned, operated or leased a facility or any part thereof located within the area of interest at the Site as illustrated on the map in enclosure 6, and provide copies of all document evidencing or relating to such ownership, operation or lease arrangement (e.g. including the amount limited to purchase and sale agreements, deeds, or leases).

Answer:

For Lock and Key Mini-Storage, the units were built between 1977 and 1987 and have been operated at that site to the present date. They are of concrete block construction, with metal roll up doors and flat roofs. Danny D. Lavy has been actively involved in their management from 1991 – present.

For Town & Country Car Wash, to the best of his knowledge, Danny D. Lavy reports that the fuel station and car wash were established in the early 1980s. Danny Lavy never operated the fuel station and has no records of the business activity there. The car wash consisted of one automatic tunnel wash bay which was closed in the early 1990's and became a small office for managing the storage units. The 3 self-serve wash bays which were closed on or about year 2000 and were converted to storage units.

For approximately two years (1994, 1995) a tool rental business was operated out of the closed tunnel wash building.

2. Did you or any other person or entity ever use, purchase, store, treat, dispose, transport or otherwise handle any material containing chlorinated solvents, including but not limited to (those chemical elements stated in question number 2) at a facility within the boundaries of the site?

Answer: To the best knowledge of Danny D. Lavy, the answer is no. To the best of his knowledge, the soap and wax products used at the car wash were delivered, stored and dispensed from 55 gallon drums on the site. All soap, water, wax or any other run off were drained and collected into the waste water system maintained by the City of Troy, Ohio.

Danny D. Lavy has no knowledge of the operation of the fuel station and has located no records for the operation of said fuel station. To the best of his knowledge, he believes the USTs were removed prior to his active involvement at the site.

3. Identify all past and present solid waste management units (as stated in the question), any facility you or your company have owned, operated, or leased within the area of interest at the site.

Answer: To the best of his knowledge, Danny D. Lavy states that no waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, or other storage areas were maintained at any facility on any part of the site owned, operated or leased by the companies. The companies may have had standard commercial waste receptacles into which standard waste and refuse was placed (for many years provided by Waste Management Inc.) and Mr. Lavy has no knowledge of any hazardous waste being stored, collected, or disposed of on the site.

4. Identify all leaks, spills or releases into the environment of any chlorinated solvents or materials containing chlorinated solvents that have occurred at or from any facility you or your company have owned, operated or leased within the boundaries of the site.

Answer: Danny D. Lavy has no knowledge of any leaks, spills, or releases into the environment of any chlorinated solvents or materials containing chlorinated solvents that may have occurred at or from any facility within the boundaries of the site.

5. Provide copies of all local, state and federal environmental permits ever granted for any facility (or any part thereof) you or your company have owned, operated, or leased within the boundaries of the site (e.g. RCRA permits or NPDES permits).

Answer: Danny D. Lavy has no knowledge of any local, state or federal environmental permits ever requested, sought or granted for any such facility located at the site.

6. Identify any persons or entities, other than those persons responding to the information request, that may have information about the history, use, purchase, storage, treatment, disposal, transportation or handling of any materials containing chlorinated solvents at any facilities in the area of interest of the site.

Answer: Danny D. Lavy has no knowledge of any other persons or entities that may have information about handling of any materials containing chlorinated solvents at any facilities in the area of the site.

7. To the extent that you believe that another person, including any previous property owner, is responsible for any leaks, spills, or releases into the environment of any chlorinated solvents or materials containing chlorinated solvents at or from any facility you or your company have owned, operated or leased within the area of interest at the site, identify those persons:

Answer: Danny D. Lavy does not believe and he has no knowledge that another person, including any previous property owner, is responsible for any leaks, spills or releases into the environment of any chlorinated solvents or materials containing chlorinated solvents.

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with the system designated to assure that qualified personnel properly gathered and evaluated the information submitted.

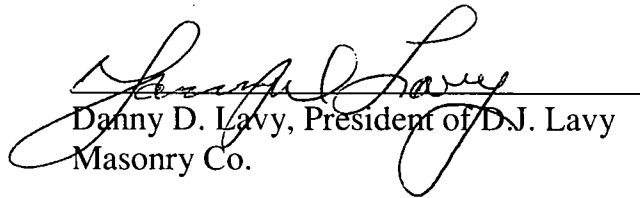
Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Supplemental Response:

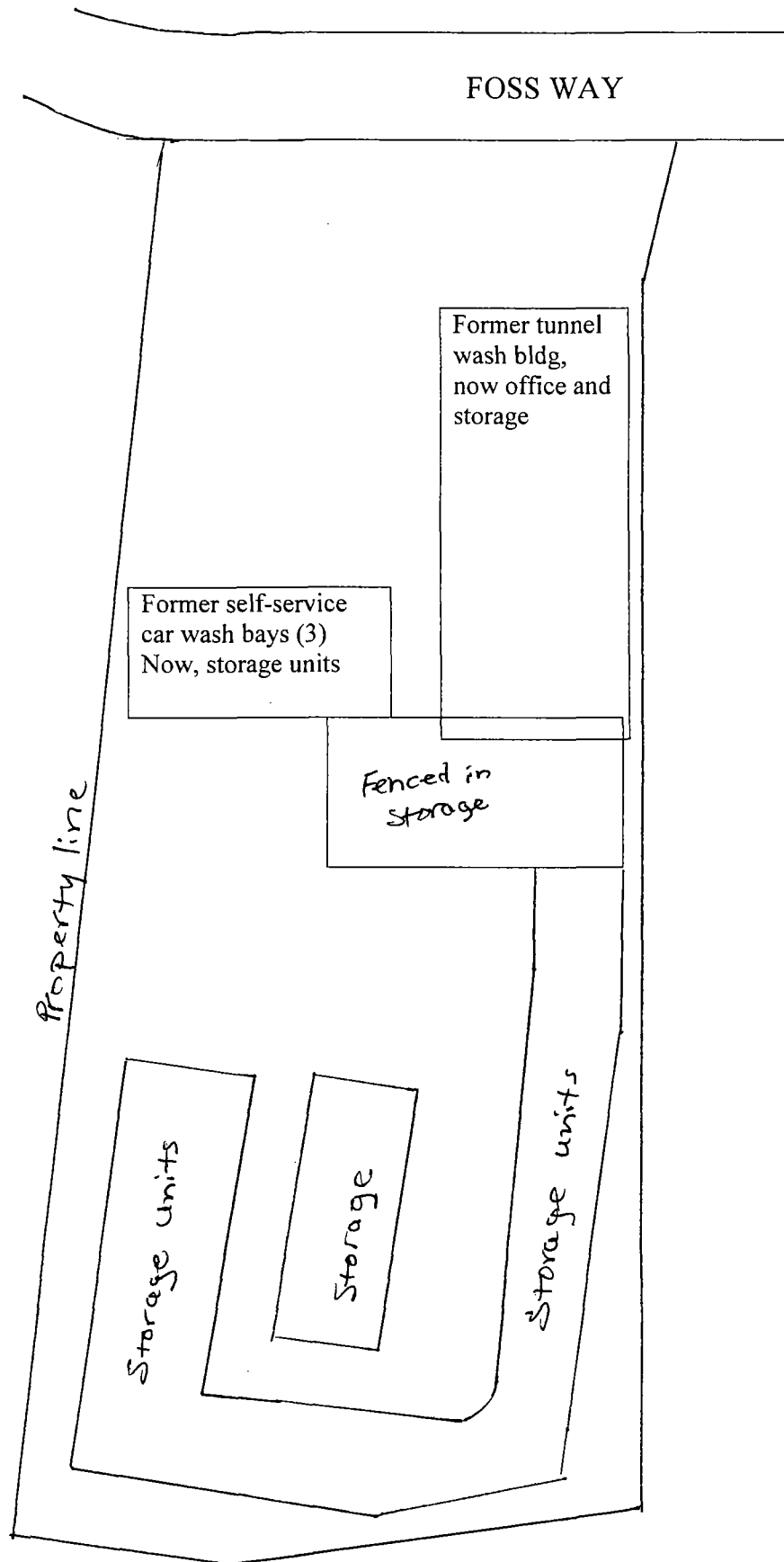
In accordance with the instructions, if, after submission of this response, Danny D. Lavy becomes aware of any new or additional information relating to the questions submitted, he will promptly provide such information and notify the EPA as soon as possible.

Dated: 6/18/2013

Respectfully submitted:


Danny D. Lavy, President of D.J. Lavy
Masonry Co.

DIAGRAM



KNOW ALL MEN BY THESE PRESENTS

THAT TRI-SHAFFE, INC., now known as D. J. LAVY MASONRY CO., of Miami County, State of Ohio, for valuable consideration paid, grants with general warranty covenants to D. J. LAVY MASONRY CO., its successors and assigns, whose tax-mailing address is 315 North Sunset Drive, Piqua, Ohio 45356, the following real property:

Situate in the City of Troy, County of Miami, in the State of Ohio and being Inlot Numbered FOUR THOUSAND SEVEN HUNDRED FIFTEEN (4715) as shown on the general plat of said city.

This deed is executed, acknowledged and delivered by the Grantors and accepted by the Grantees subject to all easements, restrictions and covenants of record, applicable building, zoning and use regulations, and Grantees assume and agree to pay the June, 2002 installment of taxes and assessments and thereafter.

Prior Instrument Reference: Deed Book 491, Page 86

Executed this 18th day of July, 2002.

D. J. LAVY MASONRY CO.

By: *Danny D. Lavy*
DANNY D. LAVY, President

MIAMI COUNTY RECORDER
JOHN W. O'BRIEN
0341733
PRESENTED FOR RECORD
MIAMI COUNTY, TROY, OHIO
07-19-2002 2:35:25 PM
REFERENCES
RECORDING FEE 14.00
PAGES: 1

Miami County, ss:

Executed before me, a Notary Public, in and for said County and State, on the 18th day of July, 2002, by the above-named DANNY D. LAVY, President, of TRI-SHAFFE, INC., now known as D. J. LAVY MASONRY CO., who represented to me to be said person, and who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed, individually and as such officer.

NOTARY PUBLIC

ALAN M. KAPPERS
Notary Public, State of Ohio
My Commission Expires 12/31/2004
Date Section 147

THIS INSTRUMENT PREPARED BY:

ALAN M. KAPPERS
DUNGAN & LEFEVRE CO., L.P.A. BY
210 WEST MAIN STREET
TROY, OHIO 45373

(937) 339-0511 (937) 335-5802 (fax)

DESCRIPTION APPROVED
MIAMI COUNTY ENGINEER
BY *DJ* DATE 7-19-2002

VOL 0729 PAGE 393

504

TRANSFERRED	
In compliance with ORC 319.202	
CHRIS A. PEEPLES, Miami County Auditor	
By <u><i>Joyce</i></u>	
JUL 19 2002	
Total Fee	\$ _____
ORC 319.54	\$ _____
ORC 322.02	\$ _____
Exempt	<input checked="" type="checkbox"/>

A hand-drawn sketch of a rectangular area. The top horizontal dimension is labeled '70.10'. The left vertical dimension is labeled '82.5'. Inside the rectangle, there is a circle labeled 'O'. The sketch is drawn with diagonal lines, possibly representing a perspective or a specific orientation.

WAY 60' R/W

SEE PLAT NW 65

REC-18-74
Loi 22-107

MARKET ST

— OR
SOL
CO
SEE
Pt. F
Rec. 16

87.09

65.9

$$\begin{array}{r} 300 \\ \hline 250 \end{array}$$

Rec. 7-65

O.DD46 AC
REC. 19-98

0.0192 AC
REF 19-98

Lot 16-26
8748
Rec. 18-110
Rec. 18-74

900 NORTH MARKET
DD 750-848

8874
Q680 Ac.
REC. 19.9
XEC 18-110
RAC 18-74
REC. 9-134

8874
 6680 Ac.
 Acc. 19.9
 Acc 18.10
 Acc 18.74

2.420 AC-DEED

(Rec 6 P6 67)

PT O.L. #409

60700

DB 417-99; 440-177; 490-820

Sandra Darnelberg } each
Martin Weiss } 1/3 int = 41,666 2/3
Barbara Ralsky }

OR 27-971

H&S REAL PROPERTIES, LLC
DB. 777-610 58.3333%

DU HAS FILE
2-9-2006

PT. OL.
409

QL 363

0 TAG PROPERTY GROUP, LLC.
0 DB 785-281

Douglas Chandler

ST. Curtis
02 400-711

PT. 0.L. 4333

399A

150.30
0.517 ACRE
PT. OL. 333
LOT SURVEYS:
23-169
11-83
8-76

ERIC M. & HOLLE J.
ANDERSON
D.B. 718-266

11-83 O.L. #366

00.
099440
367
53-188
11-83
T.D.
SEVERT
OR 213-738

O.L. #368

0.415 AC.
LOT SURVEYS: 23-169
11-83

DL 369
SEE NW 63

0.009 AC.
PT. OL. 369
LOT 23-169



[Print this report](#)**Corporation Details**

Corporation Details								
Entity Number	367348							
Business Name	D. J. LAVY MASONRY CO.							
Filing Type	CORPORATION FOR PROFIT							
Status	Active							
Original Filing Date	01/01/1968							
Expiry Date								
Location: PIQUA	County: MIAMI	State: OHIO						
Agent / Registrant Information								
DANNY D LAVY 315 N SUNSET DRIVE PIQUA, OH 45356 Effective Date: 06/08/1998 Contact Status: Active								
Incorporator Information								
D J LAVY LOIS J LAVY DANNY D LAVY								
Share Information								
	<table border="1"> <thead> <tr> <th>Type</th> <th>Par Value</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>NO PAR COMMON</td> <td>0.00</td> <td>500</td> </tr> </tbody> </table>	Type	Par Value	Total	NO PAR COMMON	0.00	500	
Type	Par Value	Total						
NO PAR COMMON	0.00	500						
Filings								
Filing Type	Date of Filing	Document Number/Image						
DOMESTIC ARTICLES/FOR PROFIT	01/01/1968	B536 1137						
DOMESTIC CONTINUED EXISTENCE LETTER	09/09/1993	000000112778						
DOMESTIC CONTINUED EXISTENCE	03/07/1994	000000112779						
MERGER/DOMESTIC	12/24/1996	5703 0322						
MISCELLANEOUS FILING	12/24/1996	5703 0322						
DOMESTIC AGENT SUBSEQUENT APPOINTMENT	12/24/1996	5703 0322						
AGENT NAME/ADDRESS TAX UPDATE	02/01/1999	AGNTUPDT						
AGENT NAME/ADDRESS TAX UPDATE	04/07/1999	AGNTUPDT						

B536 1136
RECEIPT AND CERTIFICATE N° 13879

D. J. LAVY MASONRY CO.

NAME

367348

NUMBER

DOMESTIC CORPORATIONS

ARTICLES OF INCORPORATION
 AMENDMENT
 MERGER/CONSOLIDATION
 DISSOLUTION
 AGENT
 RE-INSTATEMENT
 CERTIFICATES OF CONTINUED
 EXISTENCE
 MISCELLANEOUS

FOREIGN CORPORATIONS

LICENSE
 AMENDMENT
 SURRENDER OF LICENSE
 APPOINTMENT OF AGENT
 CHANGE OF ADDRESS OF AGENT
 CHANGE OF PRINCIPAL OFFICE
 RE-INSTATEMENT
 FORM 7
 PENALTY

MISCELLANEOUS FILINGS

ANNEXATION/INCORPORATION—CITY
 OR VILLAGE
 RESERVATION OF CORPORATE NAMES
 REGISTRATION OF NAME
 REGISTRATION OF NAME RENEWALS
 REGISTRATION OF NAME—CHANGE
 OF REGISTRANTS ADDRESS
 TRADE MARK
 TRADE MARK RENEWAL
 SERVICE MARK
 SERVICE MARK RENEWAL
 MARK OF OWNERSHIP
 MARK OF OWNERSHIP RENEWAL
 EQUIPMENT CONTRACT/CHattel
 MORTGAGE
 POWER OF ATTORNEY
 SERVICE OF PROCESS
 MISCELLANEOUS
 ASSIGNMENT—TRADE MARK, MARK
 OF OWNERSHIP, SERVICE MARK,
 REGISTRATION OF NAME

I certify that the attached document was received and filed in the office of TED W. BROWN, Secre-
 tary of State, at Columbus, Ohio, on the 1st day of January A. D. 19 68, and
 recorded on Roll B536 at Frame 1136 of the RECORDS OF INCORPORATION and MIS-
 CELLANEOUS FILINGS.

Ted W. Brown

TED W. BROWN,
 Secretary of State

Filed by and Returned To: McCulloch, Felger, Fite & Gutmann

Piqua National Bank Bldg.

Piqua, Ohio Att: Paul P. Gutmann

FEE RECEIVED: \$ 50.00

NAME: D. J. LAVY MASONRY CO.

B536 1137

367348

ARTICLES OF INCORPORATION

OF

D. J. LAVY MASONRY CO.

17.68
180
1-5

The undersigned, all of whom are citizens of The United States desiring to form a corporation for profit under Section 1701.01 et. seq. of the Revised Code of Ohio, do hereby certify:

FIRST: The name of said corporation shall be D. J. Lavy Masonry Co.

SECOND: The place in the State of Ohio where its principal office is to be located is Piqua, Miami County, Ohio.

THIRD: The purposes for which it is formed are:

(A) To acquire by purchase, lease, exchange or otherwise, to own, hold, use, manage, develop, plat, improve, and to sell, lease, mortgage, exchange, and otherwise deal in, real estate and any interest or right therein either for its own account or for the account of others; and to own, erect, construct, rebuild, repair, manage and control, lease, buy and sell, houses, apartments, offices, warehouses, shops, factories, and any and all other types of buildings and structures; and to make and obtain loans on real estate, and to buy, sell, hold, own, and otherwise deal in, mortgages, mortgage bonds or notes, land contracts, land trust certificates, leases, and other evidences of indebtedness secured by real estate or by a lien thereon or any interest therein, and doing any and all things necessary or incident thereto.

(B) To purchase, lease or otherwise acquire, and to erect, construct, improve, operate, manage and control, directly or through the ownership of shares in any corporation, any and all kinds of buildings, houses, apartment houses, hotels, office buildings, storerooms, warehouses, factories and shops; and to engage generally in the business of owning, operating and leasing real properties of every character and description.

B536 1138

(C) To manufacture, purchase or otherwise acquire, sell, assign and transfer, exchange or otherwise dispose of, and to invest, trade, deal in or deal with goods, wares and merchandise and personal property of every class and description, and doing any and all things necessary or incident thereto.

(D) To purchase, sell, process, deal in, manufacture, install, store, handle, transport, or otherwise work in or with building materials of all kinds, including lumber, roofing, insulating materials, plaster, wall, tile, ornamental and other boards, brick, concrete, structural steel, re-enforcing fixtures, plumbing supplies, electrical supplies, cements and plasters, stucco, stone and gravel, resinous waxes, textiles, incinerators, cesspools and septic tanks, fencing, wire and staples, waterproofing materials, rubber, linoleums, carpets, builders' tools and machinery, and any and every other material, appurtenance, or process useful in, necessary for, or convenient in building, construction, engineering, and maintenance.

(E) To purchase, acquire, hold, mortgage, pledge, hypothecate, loan money upon, exchange, sell, and otherwise deal in personal property and real property of every kind, character and description whatsoever and wheresoever situated, and any interest therein.

(F) To acquire by purchase, subscription, underwriting, participation in syndicates, or otherwise, and to hold, own, sell, exchange, pledge, hypothecate or otherwise dispose of, shares of stock, bonds, mortgages, debentures, trust receipts, participation certificates, certificates of beneficial interest, notes and other securities, obligations, contracts, choses in action and evidences of indebtedness generally, or interest thereon, or corporations, associations, firms, trusts, municipalities, and other organizations or persons; to receive, collect and dispose of interest, dividends and income upon, of or from, and to exercise any and all rights and privileges of individual ownership or interest in any of the foregoing including the right to vote thereon for any and all purposes, and to do any and all acts and things for the preservation, protection, improvement and enhancement in value thereof, and to endorse or guarantee the same or become surety in respect thereof, and to aid by loan, subsidy, guarantee or otherwise, those issuing, selling, creating or responsible for the same, and doing any and all things necessary or incident thereto.

(G) To acquire all or any part of the goodwill, rights, property and business of any corporation, association, partnership, firm, trustee, syndicate, combination, organization, other entity, or individual, heretofore, or hereafter engaged in any business, similar to the business of the corporation or otherwise, and to pay for the same in cash or in shares or obligations of the corporation or otherwise, and to hold, utilize, enjoy and in any manner dispose of the whole or any part of the rights and property so acquired; and to assume in connection therewith any liabilities of any such corporation, organization, individual or other entity, and to conduct in the State of Ohio and/or in any other state, territory, locality or country the whole or any part of the business thus acquired, provided such business is not prohibited

B536 1139

by the laws of the State of Ohio, and doing any and all things necessary or incident thereto.

(H) To carry on and conduct the business of builders and contractors including but not limited to masonry and concrete work and all things necessary or incident thereto.

Each purpose specified in any clause or paragraph contained in this Article THIRD shall be deemed to be independent of all other purposes herein specified and shall not be limited or restricted by reference to or inference from the terms of any other clause or paragraph of these Articles of Incorporation.

The corporation reserves the right, at any time and from time to time, substantially to change its purposes, in the manner now or hereafter permitted by statute. Any change of the purposes of the corporation, authorized or approved by the holders of shares entitling them to exercise the proportion of the voting power of the corporation now or hereafter required by statute, shall be binding and conclusive upon every shareholder of the corporation as fully as if such shareholder had voted therefor; and no shareholder, notwithstanding that he may have voted against such change of purposes or may have objected in writing thereto, shall be entitled to payment of the fair cash value of his shares.

FOURTH: The maximum number of shares which the corporation is authorized to have outstanding is Five Hundred (500) shares without par value.

Shares without par value may be issued pursuant to subscriptions taken by the incorporators for such amount of consideration as may be specified by the incorporators, and, after organization, shares without par value now or hereafter authorized may be issued or

B536 1140

agreed to be issued from time to time for such amount or amounts of consideration as may be fixed from time to time by the board of directors.

The board of directors in its discretion may fix different amounts and/or kinds of consideration for the issuance of shares without par value, whether issued at the same or different times, and may determine that only a part or proportion of the amount or amounts of consideration which shall be received by the corporation shall be stated capital.

Any and all shares without par value so issued, the consideration for which, as fixed by the incorporators or by the board of directors, has been paid or delivered, shall be fully paid and non-assessable.

FIFTH: The amount of capital with which the corporation will begin business is at least Five Hundred Dollars (\$500.00).

SIXTH: The board of directors is hereby authorized to fix and determine and to vary the amount of working capital of the corporation, to determine whether any, and, if any, what part of its surplus, however created or arising, shall be used or disposed of or declared in dividends or paid to stockholders.

SEVENTH: A director of this corporation shall not be disqualified by his office from dealing or contracting with the corporation as a vendor, purchaser, employee, agent, or otherwise; nor shall any transaction or contract or act of this corporation be void or voidable or in any way affected or invalidated by reason of the fact that any director or any firm of which any director is a member or any corporation of which any director is a shareholder or director is in any way interested in such transaction or contract or act, provided the fact that such director or such firm or such corporation is so interested shall be disclosed or shall be known to the board of

- 4 -

B536 1141

directors or such members thereof as shall be present at any meeting of the board of directors at which action upon any such contract or transaction or act shall be taken; nor shall any such director be accountable or responsible to the corporation for or in respect to any such transaction or contract or act of this corporation or for any gains or profits realized by him by reason of the fact that he or any firm of which he is a member or any corporation of which he is a shareholder or director is interested in such transaction or contract or act; and any such director may be counted in determining the existence of a quorum at any meeting of the board of directors of the corporation which shall authorize or take action in respect to any such contract or transaction or act, and may vote thereat to authorize, ratify or approve any such contract or transaction or act, with like force and effect as if he, or any firm of which he is a member or any corporation of which he is a shareholder, or director, were not interested in such transaction or contract or act.

IN WITNESS WHEREOF, we have hereunto set our hands this
21st day of December, A.D., 1967.

D. J. Lavy
D. J. Lavy

Louis J. Lavy
Louis J. Lavy

Danny D. Lavy
Danny D. Lavy

STATE OF OHIO, MIAMI COUNTY, ss:

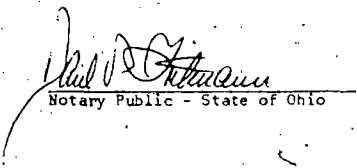
Personally appeared before me, the undersigned, a Notary

- 5 -

B536 1142

Public In and for said County, this 21st day of December, A.D., 1967,
the above named D. J. Lavy, Lois J. Lavy and Danny D. Lavy, each of
whom acknowledged the signing of the foregoing Articles of Incorporation
to be his free act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal on the day and year
last aforesaid.


Notary Public - State of Ohio

B536 1143

APPOINTMENT OF AGENT

KNOW ALL MEN BY THESE PRESENTS, That Ralph Reese, Jr.,
 126 1/2 W. High St., Piqua, Miami County, Ohio, a natural person and
 resident of said county, being the county in which the principal
 office of D. J. Lavy Masonry Co. is located, is hereby appointed as
 the person on whom process, tax notices and demands against said D.
 J. Lavy Masonry Co. may be served.

D. J. LAVY MASONRY CO.

by:

D. J. Lavy

Lois J. Lavy

Johnny E. Lavy

D. J. Lavy Masonry Co.
 Piqua, Ohio

Gentlemen:

I hereby accept the appointment as the representative of
 your corporation upon whom process, tax notices, or demands may be
 served.

Ralph Reese, Jr.

STATE OF OHIO, MIAMI COUNTY, ss:

Personally appeared before me, the undersigned, a Notary
 Public in and for said County, this 22nd day of December, 1967, the
 above named Ralph Reese, Jr., who acknowledged the signing of the
 foregoing to be his free act and deed for the uses and purposes therein
 mentioned.

WITNESS my hand and official seal on the day and year
 last aforesaid.

Notary Public - State of Ohio

[Print this report](#)**Corporation Details**

Corporation Details								
Entity Number	367348							
Business Name	D. J. LAVY MASONRY CO.							
Filing Type	CORPORATION FOR PROFIT							
Status	Active							
Original Filing Date	01/01/1968							
Expiry Date								
Location: PIQUA	County: MIAMI	State: OHIO						
Agent / Registrant Information								
DANNY D LAVY 315 NJSUNSET DRIVE PIQUA, OH 45356 Effective Date: 06/08/1998 Contact Status: Active								
Incorporator Information								
D J LAVY LOIS J LAVY DANNY D LAVY								
Share Information								
	<table border="1"> <thead> <tr> <th>Type</th> <th>Par Value</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>NO PAR COMMON</td> <td>0.00</td> <td>500</td> </tr> </tbody> </table>	Type	Par Value	Total	NO PAR COMMON	0.00	500	
Type	Par Value	Total						
NO PAR COMMON	0.00	500						
Filings								
Filing Type	Date of Filing	Document Number/Image						
DOMESTIC ARTICLES/FOR PROFIT	01/01/1968	B536 1137						
DOMESTIC CONTINUED EXISTENCE LETTER	09/09/1993	000000112778						
DOMESTIC CONTINUED EXISTENCE	03/07/1994	000000112779						
MERGER/DOMESTIC	12/24/1996	5703 0322						
MISCELLANEOUS FILING	12/24/1996	5703 0322						
DOMESTIC AGENT SUBSEQUENT APPOINTMENT	12/24/1996	5703 0322						
AGENT NAME/ADDRESS TAX UPDATE	02/01/1999	AGNTUPDT						
AGENT NAME/ADDRESS TAX UPDATE	04/07/1999	AGNTUPDT						

OHIO SECRETARY OF STATE
PROCESSING STATEMENT
12/30/96

CHARTER NUMBER: 367348
ROLL AND FRAME: 5703-0322

05703-0322

CORPORATION:

D. J. LAVY MASONRY CO.

DOCUMENT NUMBER	CODE	FEE
96122445301	MER	50.00
96122445301	MIS	10.00
	AGS	NO FEE

052200

RETURN TO: MCCULLOCH, FELGER, FITE & GUTMANN CO.
ATTN P P GUTMANN
P O BOX 910
PIQUA OH 45356-0910

TOTAL : 60.00

0284

05703-0323



The State of Ohio

Bob Taft

Secretary of State

367348

Certificate

It is hereby certified that the Secretary of State of Ohio has custody of the Records of Incorporation and Miscellaneous

Filings; that said records show the filing and recording of: MER MIS AGS

of:

D. J. LAVY MASONRY CO.

United States of America
State of Ohio
Office of the Secretary of State



Recorded on Roll 5703 at Frame 0324 of
the Records of Incorporation and Miscellaneous Filings.

Witness my hand and the seal of the Secretary of State at

Columbus, Ohio, this 24TH day of DEC ,

A.D. 19 96 .

Bob Taft
Bob Taft
Secretary of State

05703-0324

367348
Approved *Mr*Date *12/29/96*Fee *30*

96122445301

Prescribed by
 Bob Taft, Secretary of State
 30 East Broad Street, 14th Floor
 Columbus, Ohio 43266-0418
 Form MER (July 1994)

CERTIFICATE OF MERGER

In accordance with the requirements of Ohio law, the undersigned corporations, limited liability companies and/or limited partnerships, desiring to effect a merger, set forth the following facts:

I. SURVIVING ENTITY

A. The name of the entity surviving the merger is:

D.J. Lavy Masonry Co.

(If the surviving entity is an Ohio limited partnership or qualified foreign limited partnership, its registration number must be provided)

B. Name change: As a result of this merger, the name of the surviving entity has been changed to the following: _____

only if the name of surviving entity is changing through the merger(s)

C. The surviving entity is a: *(Please check the appropriate box and fill in the appropriate blanks)*

☒ Domestic (Ohio) corporation

☐ Foreign (Non-Ohio) corporation incorporated under the laws of the state/ country of _____ and licensed to transact business in the state of Ohio.

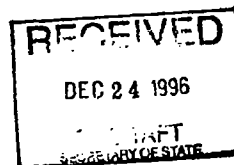
☐ Foreign (Non-Ohio) corporation incorporated under the laws of the state/country of _____, and NOT licensed to transact business in the state of Ohio.

☐ Domestic (Ohio) limited liability company

☐ Foreign (Non-Ohio) limited liability company organized under the laws of the state/country of _____, and registered to do business in the state of Ohio.

☐ Foreign (Non-Ohio) limited liability company organized under the laws of the state/country of _____, and NOT registered to do business in the state of Ohio.

☐ Domestic (Ohio) limited partnership, registration number _____



05703-0325

- [] Foreign (Non-Ohio) limited partnership organized under the laws of the state/country of _____, and registered to do business in the state of Ohio, under registration number _____
- [] Foreign (Non-Ohio) limited partnership organized under the laws of the state/country of _____, and NOT registered to do business in the state of Ohio.

II. Merging Entities

The name, type of entity, and state/country of incorporation or organization, respectively, of each entity, other than the survivor, which is a party to the merger are as follows: (If insufficient space to cover this item, please attach a separate sheet listing the merging entities/Ohio registered or foreign qualified limited partnerships must include registration number)

Name	State/ Country of Organization	Type of Entity
Tri-Shaffe, Inc.	Ohio	Domestic (Ohio) Corp.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

III. Merger Agreement on File

The name and mailing address of the person or entity from whom/which eligible persons may obtain a copy of the agreement of merger upon written request:

Name	Address
Paul P. Gutmann Attorney at Law	McCulloch, Felger, Fite & Gutmann
Co., L.P.A.	(street and number) 123 Market Street, P.O. Box 910
	Piqua, OH 45356
	(city, village or township) (state) (zip code)

IV. Effective Date of Merger

This merger is to be effective:

On or before 12/31/96 (if a date is specified, the date must be a date on or after the date of filing; the effective date of the merger cannot be earlier than the date of filing; if no date is specified, the date of filing will be the effective date of the merger).

05703-0326

V. Merger Authorized

The laws of the state or country under which each constituent entity exists, permits this merger.

This merger was adopted, approved and authorized by each of the constituent entities in compliance with the laws of the state under which it is organized, and the persons signing this certificate on behalf of each of the constituent entities are duly authorized to do so.

VI. Statutory Agent

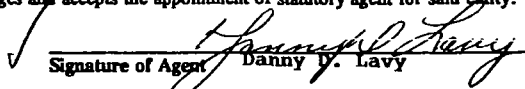
The name and address of the surviving entity's statutory agent upon whom any process, notice or demand may be served is:

Name	Address
<u>Danny D. Lavy</u>	<u>315 N. Sunset Drive</u> <small>(complete street address)</small>
	<u>Piqua, OH 45356</u> <small>(city, village or township) (zip code)</small>

(This item MUST be completed if the surviving entity is a foreign entity which is not licensed, registered or otherwise authorized to conduct or transact business in the State of Ohio)

Acceptance of Agent

The undersigned, named herein as the statutory agent for the above referenced surviving entity, hereby acknowledges and accepts the appointment of statutory agent for said entity.


Signature of Agent Danny D. Lavy

(The acceptance of agent must be completed by domestic surviving entities if through this merger the statutory agent for the surviving entity has changed, or the named agent differs in any way from the name reflected on the Secretary of State's records.)

VII. Statement of Merger

Upon filing, or upon such later date as specified herein, the merging entity/entities listed herein shall merge into the listed surviving entity.

VIII. Amendments

The articles of incorporation, articles of organization or certificate of limited partnership (strike the inapplicable terms) of the surviving domestic entity herein, are amended as set forth in the attached "Exhibit A"

(Please note that any amendments to articles of incorporation, articles of organization or to a certificate of limited partnership MUST be attached if the surviving entity is a DOMESTIC corporation, limited liability company, or limited partnership.)

05703-0327

IX. Qualification or Licensure of Foreign Surviving Entity

A. The listed surviving foreign corporation, limited liability company, or limited partnership desires to transact business in Ohio as a foreign corporation, foreign limited liability company, or foreign limited partnership, and hereby appoints the following as its statutory agent upon whom process, notice or demand against the entity may be served in the State of Ohio. The name and complete address of the statutory agent is:

(N/A)

(name)

(street and number)

, Ohio

(city, village or township)

(zip code)

The subject surviving foreign corporation, limited liability company or limited partnership irrevocably consents to service of process on the statutory agent listed above as long as the authority of the agent continues, and to service of process upon the Secretary of State if the agent cannot be found, if the corporation, limited liability company or limited partnership fails to designate another agent when required to do so, or if the corporation's, limited liability company's, or limited partnership's license or registration to do business in Ohio expires or is cancelled.

B. The qualifying entity also states as follows: (complete only if applicable)**1. Foreign Qualifying Limited Liability Company**

(If the qualifying entity is a foreign limited liability company, the following information must be completed)

- a. The name of the limited liability company in its state of organization/registration is _____
- b. The name under which the limited liability company desires to transact business in Ohio is _____
- c. The limited liability company was organized or registered on _____ under the laws of the state/country of _____
month day year
- d. The address to which interested persons may direct request for copies of the articles of organization, operating agreement, bylaws, or other charter documents of the company is: _____

2. **Foreign Qualifying Limited Partnership**
(If the qualifying entity is a foreign limited partnership, the following information must be completed)

a. The name of limited partnership is _____

b. The limited partnership was formed on _____
under the laws of the state/country of _____
month day year

c. The address of the office of the limited partnership in its state/country of organization is _____

d. The limited partnership's principal office address is _____

e. The names and business or residence addresses of the GENERAL partners of the partnership are as follows:

Name	Address
_____	_____
_____	_____
_____	_____

(If insufficient space to cover this item, please attach a separate sheet listing the general partners and their respective addresses)

f. The address of the office where a list of the names and business or residence addresses of the limited partners and their respective capital contributions is to be maintained is:

Page 7

05703-0329

The undersigned constituent entities have caused this certificate of merger to be signed by its duly authorized officers, partners and representatives on the date(s) stated below.

D.J. Lavy Masonry Co.

exact name of entity

By: Danny D. Lavy
Its: PresidentDate: Sept. 18, 1996Tri-Shaffe, Inc.

exact name of entity

By: Danny D. Lavy
Its: PresidentDate: Sept. 18, 1996

exact name of entity

By: _____

Its: _____

Date: _____

exact name of entity

By: _____

Its: _____

Date: _____

exact name of entity

By: _____

Its: _____

Date: _____

exact name of entity

By: _____

Its: _____

Date: _____

exact name of entity

By: _____

Its: _____

Date: _____

exact name of entity

By: _____

Its: _____

Date: _____

exact name of entity

By: _____

Its: _____

Date: _____

exact name of entity

By: _____

Its: _____

Date: _____

(Please note that the chairman of the board, the president, vice president, secretary or an assistant secretary must sign on behalf of each constituent corporation, and at least one general partner must sign on behalf of each constituent limited partnership; if insufficient space for signature, a separate sheet should be attached containing such signature(s))

05703-0330



McCULLOCH, FELGER, FITE & GUTMANN CO., L.P.A.

ATTORNEYS AT LAW
FIFTH THIRD BANK BUILDING
P. O. BOX 90

PIQUA, OHIO 45356-0910

15131 773-3212
TELECOPIER NO 513-773-9672

December 23, 1996

PAUL P. GUTMANN
WILLIAM B. MCNEIL
JACK L. NEUENSCHWANDER
DALE G. DAVIS
MICHAEL E. GUTMANN
DANIEL E. RAMER
FRANK J. PATRIZIOROBERT P. FITE
RETIREDWILLIAM M. McCULLOCH
11801-18801
CARL B. FELGER
11800-18841Secretary of State
30 E. Broad Street
14th Floor
Columbus, OH 43266-0418
Attn: Merger of Domestic CorporationsRe: Certificate of Merger, Tri-
Shaffe, Inc. into D.J. Lavy
Masonry Co.*Expedited Service*

Dear Friends:

We are pleased to enclose a Certificate of Merger in connection with the above transaction along with our check in the amount of \$50 for filing. Please file the merger documents and advise our office of any further requirements or recommendations you may have in this regard. Our toll free number is 1-800-371-3213. Thank you very much for your cooperation.

Sincerely,

McCULLOCH, FELGER, FITE &
GUTMANN CO., L.P.A.

Paul P. Gutmann

PPG:ses
Enclosures*Expedited Service*

CORRESPONDENCE

[Print this report](#)**Corporation Details**

Corporation Details								
Entity Number	361074							
Business Name	TRI-SHAFFE, INC.							
Filing Type	CORPORATION FOR PROFIT							
Status	Dead							
Original Filing Date	05/16/1967							
Expiry Date								
Location: FREMONT	County: SANDUSKY	State: OHIO						
Incorporator Information								
RICHARD A SHAFFER JOHN D STARN KENNETH W SHAFFER								
Share Information								
	<table border="1"> <thead> <tr> <th>Type</th> <th>Par Value</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>NO PAR COMMON</td> <td>0.00</td> <td>200</td> </tr> </tbody> </table>	Type	Par Value	Total	NO PAR COMMON	0.00	200	
Type	Par Value	Total						
NO PAR COMMON	0.00	200						
Filings								
Filing Type	Date of Filing	Document Number/Image						
DOMESTIC ARTICLES/FOR PROFIT	05/16/1967	B505_1233						
DOMESTIC CONTINUED EXISTENCE LETTER	09/09/1993	000000231891						
DOMESTIC AGENT SUBSEQUENT APPOINTMENT	03/16/1995	5101_0777						
MERGED OUT OF EXISTENCE	12/24/1996	5703_0333						
AGENT NAME/ADDRESS TAX UPDATE	01/08/1999	AGNTUPDT						



The State of Ohio

Bob Taft

Secretary of State

361074

Certificate

It is hereby certified that the Secretary of State of Ohio has custody of the Records of Incorporation and Miscellaneous Filings; that said records show the filing and recording of: MEX

of:

TRI-SHAFFE, INC.

United States of America
State of Ohio
Office of the Secretary of State

Recorded on Roll 5703 at Frame 0333 of
the Records of Incorporation and Miscellaneous Filings.

Witness my hand and the seal of the Secretary of State at

Columbus, Ohio, this 24TH day of DEC

A.D. 19 96



Bob Taft
Bob Taft
Secretary of State



McCulloch, Felger, Fite
& Gutmann Co., L.P.A.

Fifth Third Bank Building
P.O. Box 910
Piqua, Ohio 45356

To

FOUADE DABABNEH, ENFORCEMENT SPECIALIST
U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 5
SUPERFUND DIVISION
ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH
77 WEST JACKSON BLVD. (SE-5J)
CHICAGO, IL 60604-3590